

IN THE UNITED STATES DISTRICT FOR  
THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

CONNOR and AMANDA  
ELLIOTT, individually and as next  
friend of N.E., their minor child,

Plaintiffs

vs.

UNITED STATES OF AMERICA,

Defendant

NO. 1:19-CV-00427-LY

PLAINTIFFS' PRETRIAL DISCLOSURES

Body.

1. ***A list of questions the party desires the court to ask prospective jurors.***

Not applicable to this Federal Tort Claims Act bench trial.

2. ***In cases to be tried to a jury, a statement of the party's claims or defenses to be used by the court in conducting voir dire.***

Not applicable.

3. ***A list of stipulated facts.***

Parties have filed stipulations separately. *See* Dkt. No. 27.

4. ***An appropriate identification of each exhibit as specified in this rule (except those for impeachment only, separately identifying those that the party expects to offer and those that the party may offer if the need arises.***

Please see Exhibit 1 to this pleading.

5. ***The name and, if not previously provided, the address and telephone number of each witness (except those to be used for impeachment only) separately identifying those whom the party expects to present and those whom the party may call if the need arises:***

Plaintiffs will call:

1. Amanda Elliott
2. Connor Elliott
3. Hector I Diaz-Lopez, M.D. (Adverse Witness)
4. Krista Hebert, 2 LT (R.N.) (Adverse Witness)
5. Matthew C. Kelly, Maj. (M.D.) (Adverse Witness)
6. Bryan M. Boucher, M.D. (Adverse Witness)
7. Emilio M. Torres, M.D. (Adverse Witness)
8. Heidi Shinn, R.N. (Expert Witness – Nursing)
9. Michael L. Hall, M.D. (Expert Witness – Obstetrics/Gynecology)
10. Stephen T. Glass, M.D. (Expert Witness – Pediatric Neurology)
11. Joseph B. Philip, III, M.D. (Expert Witness – Neonatology)
12. Mary Edwards Brown, M.D. (Expert Witness – Neuroradiology)
13. Kristi Bagnell, M.D. (Expert Witness – Pediatrics, Life Care Planner)
14. Dan Bagwell, R.N. (Expert Witness – Registered Nurse, Life Care Planner)
15. John Swiger, Ph.D (Expert Witness – Economic)

Plaintiffs may call:

1. Pam Kelly, C.N.M. (Expert Witness – Nurse Midwifery)

2. Glenda S. Cooper, CNM
3. Jennifer Lynn Wenzell, M.D.
4. Salvatore Bertucci, D.O.
5. Kyle Nielson, CPT
6. Linda M. Hill, R.N.
7. Rebecca K. Burns, Maj, PGY2
8. Teresa A. McVicker, CRNA
9. Amanda Bayne, CPT
10. R. Nelson, R.N.
11. Rhea S. Robinson, CPT
12. Taneishia S. Jones, CPT, PGY3
13. Rhea Robinson, R.N.
14. Brittany Vian
15. Carolyn Elliott
16. Tori Kattenhorn
17. Plaintiffs reserve the right to call any/all witnesses listed in Plaintiffs' Disclosures per Rule 26(a)(1) and 26(a)(2), (3) in their case in chief or as rebuttal witnesses.
18. Custodians of billing or medical records.

6. ***The names of those witnesses whose testimony is expected to be presented by means of deposition and designation by reference to page and line of the testimony to be offered (except those to be used for impeachment only) and, if not taken stenographically, a transcript of the pertinent portions of the deposition testimony.***

6.1. **Brian Boucher, M.D. Deposition:**

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Page 55, Lines 14-24

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**6.2. Emilio Torres, M.D.**

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**6.3. Hector Diaz-Lopez, M.D.**

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**6.4. Krista Hebert Jung, R.N.**

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**6.5. Matthew C. Kelly, Maj. (M.D.)**

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**7. *Proposed jury instructions and verdict forms.***

Not applicable in a bench trial.

8. ***In nonjury trials, Proposed Findings of Fact and Conclusions of Law.***

Plaintiffs have filed this document separately. *See* [Dkt. No. 28](#).

9. ***Motions in Limine.***

Plaintiffs do not have any motions in limine.

10. ***An estimate of the probable length of trial.***

Plaintiffs expect the trial to last five (5) days for both sides' testimony.

Respectfully Submitted,

/s/ Jamal K. Alsaffar

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## **CERTIFICATE OF SERVICE**

By my signature above, I certify that a copy of this pleading, Plaintiffs' Pretrial Disclosures, has been sent to the following on October 14, 2020 via the Court's CM/ECF notice system.

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